

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY LOUIS HERMANN, HERMANN FAMILY,
KAREN ELAINE, JACOB, JEWELL, JOY,
BLACKBERRY COMMUNITY FARM/BLACKBERRY HILLS
FARM and BLACKBERRY HILLS FARM TRUST,

Plaintiffs,

v.

DUNN COUNTY SHERIFF'S DEPARTMENT,
DENNIS P. SMITH, MICHAEL TIETZ,
MARSHALL MULTHAUF, BRAD LEACH,
RUSSELL WADDELL, IRVINGTON GARAGE,
MARVYN DOANE, BRAD DOANE and JOHN QUILLING,

Defendants.

ORDER

10-cv-600-wmc

This is a civil action for monetary relief in which plaintiffs , proceeding pro se, allege violations of their constitutional rights pursuant to 28 U.S.C. §§ 1331, 1441 and 42 U.S.C. § 1983. Plaintiffs have paid the \$350 fee for filing this case.

The next step is for plaintiffs to serve the complaint on the defendants. Under Fed. R. Civ. P. 4(m), they have 120 days after filing a complaint in which to serve the defendants. However, that is an outside limit with few exceptions. This court requires that plaintiffs act diligently in moving their case to resolution. If plaintiffs act promptly, they should be able to serve the complaint on the defendants well before the deadline.

To guide plaintiffs in the procedure for serving a complaint on a municipality, I am enclosing copies of Fed. R. Civ. P. 4 and Wis. Stat. § 801.11(4). (Plaintiff should note particularly Rules 4 (c), (j)(2) and (l).) Also, I am enclosing memorandums describing the procedure for serving a complaint on individuals, and for serving a complaint on a corporation, partnership or unincorporated association together with notice of lawsuit and waiver of service

of summons forms. In addition, I am enclosing to plaintiffs extra copies of the complaint and the forms they will need to send to the defendants in accordance with the procedures set out in Option 1 of the memorandums.

ORDER

IT IS ORDERED that plaintiffs serve the complaint on the defendants promptly. They should file proof of service of the complaint as soon as they have served each defendant. (“Proof of service” is explained in the attachments.) Not later than January 7, 2011, plaintiffs are to file proof of service of the complaint on the defendants or tell the court why they cannot do so. If plaintiffs do not file proof of service or explain why they could not serve the defendants, I will order plaintiffs to explain why this case should not be dismissed for lack of prosecution.

Entered this 28th day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge